

CALIFORNIA INDIAN LEGAL SERVICES

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INDIAN CHILD WELFARE ACT **PRACTICE AREA**

Indian children are a vital resource to the continued existence of Indian tribes. Congress passed the Indian Child Welfare Act (ICWA) in 1978 in response to the fact that alarmingly large numbers of Indian children were being removed from their families and consequently lost to their tribes. Nearly a quarter of a century later, ICWA remains one of the most important tools that tribes can use to protect Indian families and children. Since its adoption, CILS has been the state leader in ensuring that federal, state, and local officials follow the mandates of the ICWA. CILS conducted the initial hearings on the ICWA in California, wrote the California Judges' ICWA Benchguide, and has represented virtually every California tribe, as well as many non-California tribes, in California state court proceedings covered by ICWA. In addition to representing tribes in California courts, CILS is available to help tribes and tribal consortia set up and develop effective ICWA programs and comply with federal regulations in their case management. CILS encourages Indian tribes who receive notice of a pending dependency action involving one of their children to contact their nearest CILS office as soon as possible. CILS' is able to provide a complete spectrum of ICWA-related services to California Indians and Indian tribes, including the following:

- Representing tribes in juvenile dependency proceedings in California courts.
- Assisting tribes in the development of tribal codes, policies and procedures.
- Educating juvenile courts, juvenile dependency attorneys, and state social workers about ICWA, the policies behind its enactment, and ensuring ICWA compliance in their daily caseloads.
- Helping tribes and tribal consortia set up independent ICWA programs.
- Representing relatives who may qualify as Indian custodians and consequently have rights under ICWA.
- Challenging guardianships illegally obtained in violation of ICWA on behalf of Indian parents and Indian custodians.
- Assisting Indian parents and their attorneys with ICWA arguments.
- Facilitating roundtable discussions between Indian tribes and California counties to provide for an active tribal role in the development of county policies and procedures for ICWA compliance.

- Training tribal representatives to appear on behalf of tribes in State court.
- Educating appellate courts hearing ICWA cases, through either party or amicus curiae briefs, about ICWA's requirements and policies.
- Participating in the development of California's statewide ICWA policies and procedures issues.
- Maintaining regular dialogue with the Bureau of Indian Affairs about implementation of, and changes to, ICWA.
- Monitoring proposed federal and state legislation that affects ICWA.
- Advocating for federal and state legislation that promotes and protects ICWA.
- Explaining the role of expert witnesses in ICWA cases to courts, social workers, and other attorneys, and helping these players obtain proper expert witnesses.
- Providing technical assistance to non-tribal stakeholders.